

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 3. Surveillance Testing

§ 2151. New Motor Vehicle Dealer Surveillance.

(a) No dealer shall sell, or offer or deliver for sale a new passenger car, light-duty truck, or medium-duty vehicle which is required to meet emission standards adopted pursuant to Chapter 2 (commencing with Section 43100) of Part 5 of Division 26 of the Health and Safety Code, unless such vehicle conforms to the following requirements:

- (1) Ignition timing set to manufacturer's specification with an allowable tolerance of $\pm 3^\circ$
- (2) Idle speed is set to manufacturer's specification with an allowable tolerance of ± 100 rpm;
- (3) Required exhaust and evaporative emission controls, such as EGR valves, are operating properly;
- (4) Vacuum hoses and electrical wiring for emission controls are correctly routed; and
- (5) Idle mixture is set to manufacturer's specification or according to manufacturer's recommended service procedure.

(b) The executive officer or his/her authorized representative shall, pursuant to Health and Safety Code Section 43012, conduct inspection and surveillance of new motor vehicles at dealerships to verify conformity with the requirements set forth in paragraph (a). Functional tests, steady-state inspection tests, and other tests as reasonably necessary shall be performed. The California Motor Vehicle Inspection Program emission test standards in Section 2176 applicable to the appropriate model year may be used by the executive officer or his/her authorized representative to verify the compliance of new motor vehicles with the requirements of subparagraph (a). Exceeding the limits specified in Section 2176 shall be deemed a violation of the requirements of subparagraph (a). Costs such as those enumerated in Section 2153 shall be borne by the manufacturers.

(c) Violation of the requirements set forth in paragraph (a) may result in one or more of the following sanctions:

- (1) Dealer liability for a civil penalty pursuant to Health and Safety Code Section 43212; for the purpose of this section, the word "distributor" in Section 43212 includes dealers;
- (2) Dealer infraction liability for violation of Vehicle Code Section 24007(b) or 27156; or
- (3) Any other remedy against a manufacturer or dealer provided for by law.

NOTE: Authority cited: Sections 39600, 39601 and 43211, Health and Safety Code. Reference: Sections 39002, 39003, 39500, 43000, 43009, 43012, 43210, 43211, 43212 and 43600, Health and Safety Code; and Sections 24007(b), 27156 and 27157, Vehicle Code.

REFERENCE